

## Message Text

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ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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DRAFTED BY EB/AN:AJRIMAS:DAP

APPROVED BY EB/OA:MHSTYLES

CAB - C. COLDREN

ARA/ECP - D. TAHER

EB/AN - J. MAGNOR

----- 107457

R 292118Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES

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E.O. 11652: N/A

TAGS: EAIR, AR

SUBJECT: CIVAIR: BRANIFF'S OPERATIONS IN ARGENTINA

REF: STYLES/BEAL LETTER OF JULY 27, 1976

1. DEPARTMENT HAS BEEN INFORMED BY BRANIFF AIRLINES THAT ARGENTINE AERONAUTICAL AUTHORITIES MAY BE TAKING STEPS TO REDUCE THE AMOUNT OF FIFTH FREEDOM TRAFFIC CARRIED ON BRANIFF'S BUENOS AIRES FLIGHTS. ACTION APPEARS TO BE BASED ON RECENT TRAFFIC STATISTICS WHICH SHOW THAT SLIGHTLY OVER 50 PERCENT OF TRAFFIC CARRIED BY BRANIFF TO AND FROM BUENOS AIRES ORIGINATES FROM OR IS BOUND FOR INTERMEDIATE POINTS IN LATIN AMERICA. ARGENTINES MAY BE ESPECIALLY PIQUED IN VIEW BRANIFF'S PERSISTENT ATTEMPT TO GAIN 9TH FREQUENCY. ARGENTINE AIR LAW APPARENTLY PROVIDES FOR ENFORCING A BALANCE BETWEEN 3/4TH AND 5TH FREEDOM

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TRAFFIC CARRIED BY FOREIGN AIRLINES. RAMON DEMURIAS,

BRANIFF'S VICE PRESIDENT - INTERNATIONAL AFFAIRS IS NOW IN BUENOS AIRES TO DISCUSS PROBLEM WITH ARGENTINE AUTHORITIES. DETAILS OF DISPUTE MAY BE OBTAINED FROM HIM.

2. DEPARTMENT SUGGESTS EMBASSY MAKE INFORMAL APPROACH TO CIVAIR OFFICIALS (INDEPENDENT OF DEMURIAS' APPROACH) AND POINT OUT THAT WHEN BASIC PATTERN OF PRESENT SERVICES

WAS ESTABLISHED IN 1972, THE APPROPRIATE ARGENTINE AUTHORITIES AT THE TIME INDICATED THAT NO RESTRICTIONS WOULD BE IMPOSED ON FIFTH FREEDOM SERVICES BEING PROVIDED BY U.S. AIRLINES EXCEPT FOR A QUOTA ON TRAFFIC BETWEEN BUENOS AIRES AND SANTIAGO/LA PAZ. THE QUOTA HAS SINCE EXPIRED. THE 1972 AGREED MINUTE TOOK NOTE OF THE INTENT OF U.S. AIRLINES TO SELL ALL SEATS AVAILABLE ON THEIR PLANES. IN THE INTEREST OF PRESERVING PRESENT HARMONY IN OUR BILATERAL CIVAIR RELATIONS WITH ARGENTINA, WE BELIEVE IT WOULD BE APPROPRIATE FOR ARGENTINE AUTHORITIES TO AVOID TAKING ANY ACTIONS WHICH WOULD FURTHER RESTRICT OPERATIONS BY U.S. AIRLINES. IN THIS REGARD, THEY SHOULD BE ENCOURAGED TO ADAPT THE MOST FLEXIBLE INTERPRETATION POSSIBLE TO ANY ARGENTINE LAW REQUIRING A BALANCE BETWEEN 3/4TH AND 5TH FREEDOM TRAFFIC.

3. WOULD ALSO APPRECIATE EARLY REPLY TO REFLETTER CONCERNING TACTICS FOR ANY FUTURE USG/GOA CIVAIR NEGOTIATIONS. KISSINGER

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